



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 10-1735

Released: September 14, 2010

**WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON REQUEST BY
SOUTH CAROLINA EDUCATIONAL TELEVISION COMMISSION FOR WAIVER TO GRANT
GEOGRAPHIC SERVICE AREAS TO EDUCATIONAL BROADBAND SERVICE STATIONS
LICENSED AS SECONDARY STUDIO-TO-TRANSMITTER LINKS**

WT Docket No. 10-187

Comment Date: September 29, 2010

Reply Comment Date: October 12, 2010

On August 6, 2010, South Carolina Educational Television Commission (SCETV) filed a request for waiver of Section 27.1206 of the Commission's Rules to grant geographic service areas (GSAs) to Educational Broadband Service (EBS) licenses that were not awarded GSAs because they were originally licensed as studio-to-transmitter links on a secondary basis.

SCETV, a state governmental entity in South Carolina, is the long-time operator of an EBS network.¹ SCETV's EBS network consists of over 65 constructed EBS facilities that provide multi-channel coverage of schools and other educational sites across South Carolina.² In late 2009, after an extensive South Carolina state-managed bidding process, SCETV entered into separate EBS excess capacity lease agreements with Clearwire Spectrum Holdings III (Clearwire) and DigitalBridge Spectrum Corp. (DigitalBridge) under which one or the other lessee will use excess capacity of each SCETV station, including the stations subject to this waiver request.³ Commission approval for these leases has been obtained.⁴

On September 25, 1998, the Commission released the *Two-Way Order*, which, among other things, granted all Instructional Television Fixed Service (ITFS) licensees a Protected Service Area (PSA) and individual protection to all receive sites registered through the date of the adoption of the *Two-Way Order*.⁵ In the *Two-Way Reconsideration Order*, the Commission affirmed its decision.⁶ In the *Two-Way*

¹ See Request for Waiver of Section 27.1206 of the Commission's Rules, South Carolina Educational Television Commission (filed Aug. 6, 2010) (Waiver Request) at 2.

² *Id.*

³ *Id.*

⁴ *Id.* at 2 n.2. See also File Nos. 0004035670 and 0004037612 (granted Jan. 5, 2010 and Nov. 21, 2009).

⁵ Amendment of Parts 21 and 74 to Enable Multipoint Distribution Service and Instructional Television Fixed Service Licensees to Engage in Fixed Two-Way Transmissions, *Report and Order*, MM Docket No. 97-217, 13 FCC Red 19112, 19173 ¶ 114 (1998).

Second Reconsideration Order, however, the Commission reversed its decision and concluded that point-to-point ITFS stations authorized on a secondary basis should not receive PSA protection because secondary stations, usually studio to transmitter links, have not traditionally been given protection relative to primary stations.⁷ SCETV has multiple EBS stations that did not receive PSAs or GSAs because they were originally licensed as secondary studio-to-transmitter links.

On July 29, 2004, the Commission released the *BRS/EBS R&O*, which granted all ITFS incumbents a GSA based on their existing PSA.⁸ Because the stations that are the subject of the Waiver Request did not have PSAs, they did not receive GSAs.⁹

SCETV states that it is transitioning its EBS facilities from a traditional one-way video model to a model that relies on wireless broadband deployments in conjunction with its lessees Clearwire and DigitalBridge.¹⁰ SCETV contends that unless the Stations are able to obtain GSAs, there will be significant coverage gaps in SCETV's and its lessee's networks.¹¹ SCETV requests that the Stations be granted GSAs only for those areas that are outside the GSAs of neighboring co-channel EBS stations.¹²

Procedural Matters

Comments on the request are due **September 29, 2010**. Reply comments are due **October 12, 2010**. All filings should reference the docket number of this proceeding, WT 10-187.

This proceeding has been designated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.¹³ Parties making oral *ex parte* presentations in this proceeding are reminded that memoranda summarizing the presentation must contain the presentation's substance and not merely list

⁶ Amendment of Parts 21 and 74 to Enable Multipoint Distribution Service and Instructional Television Fixed Service Licensees to Engage in Fixed Two-Way Transmissions, *Order on Reconsideration*, MM Docket No. 97-217, 14 FCC Rcd 12764, 12773-12774 ¶ 20 (1999).

⁷ Amendment of Parts 21 and 74 to Enable Multipoint Distribution Service and Instructional Television Fixed Service Licensees to Engage in Fixed Two-Way Transmissions, *Report and Order on Further Reconsideration and Further Notice of Proposed Rulemaking*, MM Docket No. 97-217, 15 FCC Rcd 14566, 14572 ¶ 24 (2000) (*Two-Way Second Reconsideration Order*).

⁸ Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands, *Report and Order and Further Notice of Proposed Rulemaking*, WT Docket No. 03-66, 19 FCC Rcd 14165, 14190-14191 ¶ 55 (2004).

⁹ There are twelve EBS stations licensed to SCETV that are the subject of the Waiver Request. The stations are: WHR465 (B-Group), Conway, SC; WHR609 (G-Group), Lancaster, SC; WHR674 (C-Group), Columbia, SC; WHR933 (C-Group), Walterboro, SC; WHR957 (C-Group), Anderson, SC; WHQ447 (B-Group), White Stone, SC; WND422 (A-Group), Camden, SC; WND451 (A-Group), Winnsboro, SC; WND452 (A-Group), Pickens, SC; WND532 (G-Group), Marion, SC; WND533 (G-Group), Beaufort, SC; and WND534 (A-Group), Greenwood, SC. Attached to the Waiver Request are maps showing the proposed GSAs SCETV is requesting.

¹⁰ Waiver Request at 3.

¹¹ *Id.*

¹² *Id.* at 4.

¹³ See 47 C.F.R. §§ 1.1200(a), 1.1206.

the subjects discussed.¹⁴ More than a one- or two-sentence description of the views and arguments presented is generally required.¹⁵

Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See* Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form." A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission, as follows:

- Effective December 28, 2009, all hand-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., S.W., Room TW-A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Envelopes must be disposed of before entering the building. The filing hours at this location are 8:00 a.m. to 7:00 p.m. **PLEASE NOTE:** This is the **ONLY** location where hand-delivered or messenger-delivered paper filings for the Commission's Secretary will be accepted. The Commission's former filing location at 236 Massachusetts Ave., N.E., is permanently closed.

- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

- U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554.

Parties shall send one copy of their comments and reply comments to Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, (800) 378-3160, e-mail FCC@BCPIWEB.com.

The request, and comments and reply comments filed in response to this *Public Notice*, will be available for public inspection and copying during business hours via the Commission's Electronic Comment Filing System (ECFS) by entering the docket number, WT 10-XXX. They may also be purchased from Best Copy and Printing, Inc., telephone (800) 378-3160, facsimile (301) 816-0169, e-mail FCC@BCPIWEB.com.

¹⁴ *See* Commission Emphasizes the Public's Responsibilities in Permit-But-Disclose Proceedings, *Public Notice*, 15 FCC Rcd 19945 (2000).

¹⁵ *See* 47 C.F.R. § 1.1206(b)(2). Other rules pertaining to oral and written presentations are also set forth in Section 1.1206(b). *See* 47 C.F.R. § 1.1206(b).

Alternate formats of this *Public Notice* (computer diskette, large print, audio recording, and Braille) are available to persons with disabilities by contacting the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY), or send an e-mail to fcc504@fcc.gov.

For further information, contact Nancy M. Zaczek, Broadband Division, Wireless Telecommunications Bureau, at (202) 418-0274, Nancy.Zaczek@fcc.gov.

Action by the Chief, Broadband Division, Wireless Telecommunications Bureau.

- FCC -